

**~~2024~~ ~~2023~~ JOINT POWERS AGREEMENT
FOR PROVISION OF PUBLIC HEALTH SERVICES**

THIS AGREEMENT is between the City of Bismarck (**Bismarck**) and Burleigh County (**Burleigh**) collectively known as the "Parties".

PRELIMINARY STATEMENT

Bismarck is a home rule city organized and operated under a Home Rule Charter pursuant to Chapter 40-05.1, North Dakota Century Code. **Burleigh County (Burleigh)** is a county organized and operated pursuant to Title 11 of the North Dakota Century Code.

The Parties have the authority to enter into a Joint Powers Agreement pursuant to Section 54.40.3-01, North Dakota Century Code and Article VII, Section 10 of the North Dakota Constitution. The Parties each have the authority to provide public health services.

FOR VALUABLE CONSIDERATION and pursuant to NDCC Chapter 54-40.3, Article VII, Section 10, North Dakota Constitution, and NDCC Section 23-35-04 which allows Burleigh and Bismarck to enter into an agreement to provide health services to Burleigh and the cities throughout Burleigh which do not have a public health unit, the parties agree as follows (the "Agreement"):

1. Purpose. Burleigh and Bismarck hereby enter into this Agreement in accordance with state statute to provide public health services in Burleigh and in the cities throughout Burleigh which do not have a public health unit.
2. Authority. Bismarck has the authority under NDCC Chapter 23-25 to form and operate a public health department and to provide public health services. Burleigh has the authority under NDCC Section 23-35-04(2) to enter into an agreement, with a city public health department, that complies with NDCC Chapter 54-40.3, for the provision of health services within the county and in cities throughout the county which do not have public health services. The Parties, pursuant to the authority contained in NDCC Chapter 54-40.3 and North Dakota Constitution Article VII, Section 10 and the above listed sections hereby enter into this Agreement for the provision of health services in Burleigh and cities in Burleigh that do not have public health services.
3. Financial Administration. **Burleigh** will pay to **Bismarck** an annual sum billed in equal monthly payments, in return for the provision of services by Bismarck-Burleigh Public Health as set forth below. **The total contract amount for ~~2024~~ ~~2023~~ is ~~\$580,663~~ ~~\$295,418~~.**

4. Contracts. All contracts, grant applications, or grant acceptances regarding the normal operations of Bismarck-Burleigh Public Health shall be approved by Bismarck. Any grant funds awarded to Bismarck-Burleigh Public Health shall be applied to programs for the benefit of both rural Burleigh and Bismarck residents.
5. General Administration-Committee. The general administration of this Agreement shall be under the supervision of a committee (the Committee) made up of the Burleigh County Auditor, the Bismarck City Administrator and the Director of Bismarck-Burleigh Public Health. The Committee is not an independent entity. It is an administrative entity without separate legal existence from its constituent members. The committee shall have no decision-making authority with regard to the operation of Bismarck-Burleigh Public Health. The committee's primary responsibility shall be mediating and addressing any issues that may arise in the provision of services under this Agreement. Reports concerning the proposed disposition of issues arising under this Agreement shall be reported to each governing body for final disposition.
6. Services. Under this Agreement, public health services provided in rural Burleigh County by Bismarck-Burleigh Public Health will include, but are not be limited to, ~~the following services:~~ the core functions outlined in ND Century Code 23-35-02.
- A. ~~Adult and Child Health Assessments to include rural Burleigh residents seen at BBPH office site. Programs offered onsite include: Health Tracks, Office Nurse Visits, cholesterol and blood pressure screenings, and foot care clinics.~~
- B. ~~School Health Services for County Schools may include:~~
- ~~• Development and review of health plans for students with chronic conditions as needed or requested by schools.~~
 - ~~• Review of student immunization records in accordance with state law.~~
 - ~~• Flu vaccine offered to school staff and students.~~
 - ~~• Yearly vision screening for students.~~
 - ~~• Emergency first aid when on premises.~~
 - ~~• Rapid inspection of illness or injury upon request.~~
 - ~~• Annual height, weight, and blood pressure as requested by County schools.~~
 - ~~• Hearing screenings for appropriate ages as requested.~~
 - ~~• Health and food allergy education in schools upon request.~~
 - ~~• Participation in annual health fairs as requested.~~
 - ~~• Referrals to community resources as needed.~~
- C. ~~Blood pressure screening clinics as requested for community events in rural Burleigh.~~

Commented [RM1]: Once Board of Health by-laws are completed, the board of health could potentially fit here. Commission discussion and approval needed.

Commented [RM2]: Legislation passed during 2023 session outlines the core services local public health units must provide. <https://ndlegis.gov/assembly/68-2023/regular/documents/23-0204-02000.pdf>

- ~~D. Home Health Care: Home health maintenance services are provided on a sliding fee scale to residents in Burleigh County. These services include scheduled nurse visits and referrals to appropriate resources for those with additional needs.~~
- ~~E. Immunization/Flu Clinics: Burleigh residents will be seen at regular immunization clinics held at Public Health. Flu clinics will be offered to Burleigh County residents at schools and senior centers.~~
- ~~F. Baby and Mother Beyond Birth Education (BAMBBE): Nurses provide phone calls and home visits within 1-2 weeks of infant's birth as requested by the infant's mother. Visits are to assess both the baby and mother, assist with health concerns, and promote breastfeeding.~~
- ~~G. Public Health Education:~~
- ~~1) Speaking for various clubs, organizations, etc. available upon request.~~
 - ~~2) Cardio Pulmonary Resuscitation (CPR) classes available upon request for County employees.~~
 - ~~3) Worksite wellness education is offered to County employees. Public Health serves the Burleigh County Sheriff's Department for annual physicals which include assessments/physicals and blood work. Flu vaccine is offered to all County employees during flu season and County employees have access to a License Registered Dietician for nutrition education if needed.~~
- ~~H. Public Health Nurses are preceptors for nursing students from the colleges of nursing.~~
- ~~I. Tuberculosis screening and management of positive cases.~~
- ~~J. Case management for Ryan White (HIV positive) clients.~~
- ~~K. Registered dietician services for presentations, individual education, and assessments.~~
- ~~L. Tobacco prevention and cessation services including public speaking and tobacco cessation services upon request and tobacco policy enforcement and compliance efforts.~~
- ~~M. Confidential STD/HIV/Hepatitis C testing and counseling to all residents.~~
- ~~N. Child passenger safety seat program available by appointment at Bismarek Burleigh Public Health.~~
- ~~O. Emergency planning and medication distribution for catastrophic and/or disaster situations.~~

- ~~P. Emergency medication assistance available on a case by case basis.~~
- ~~Q. Women's Way breast and cervical cancer screening assistance available for individuals meeting age, income, and insurance guidelines.~~
- ~~R. Case management and patient navigation services for Burleigh County residents.~~
- ~~S. Administrative oversight of public health programs and services from the Director of Public Health.~~
- ~~T. Administrative oversight of nursing scope of practice and compliance from the Community Health Nurse Manager.~~
- ~~U. Office support, medical billing and financial management services for all programs.~~
- ~~V. Mileage reimbursement for services performed in rural Burleigh areas.~~
- ~~W. Nursing and office supplies, computer, phone and postage supplies for use in serving rural Burleigh County residents.~~
- ~~X. Pro rated cost share for the Health Officer Contract.~~
- ~~Y. Cost share for NDSACCHO annual dues.~~

7. Relationship of Parties: This Agreement shall not be construed to create any form of any employment relationship between Burleigh and Bismarck-Burleigh Public Health, or any person designated by Bismarck-Burleigh Public Health under the provisions of this Agreement. It is the intention of the parties hereto to maintain separate and distinct organizations, and Bismarck-Burleigh Public Health through its designated employees shall at all times be acting as an independent contractor in providing services to and for the benefit of Burleigh. Bismarck-Burleigh Public Health shall be responsible to control and supervise all of its employees and to pay compensation to or for the employees of all wages, salaries, taxes, withholding payments, fees, as well as other benefits or compensation to any pension or retirement plans. Bismarck-Burleigh Public Health shall not claim that Burleigh is responsible for the payment of any of the foregoing payments, withholdings, contributions, or taxes in relationship to its designated employees.
8. Effective Date. This Agreement shall become effective upon signature of all of the parties.
9. Term. The term of this Agreement is from **January 1, 2024 2023 through December 31, 2024 2023** subject to cancellation by either Burleigh County or the City of Bismarck upon 60 days' notice.
10. This Agreement supersedes and replaces the AGREEMENT FOR PROVISION OF PUBLIC HEALTH SERVICES FOR BURLEIGH COUNTY BY THE CITY OF BISMARCK

PUBLIC HEALTH or any other agreement for the provision of public health services currently in affect between the Parties.

BURLEIGH COUNTY

Dated this ____ day of _____, 20__

~~Becky Matthews~~~~Jim Peluse~~, Chairman
Burleigh County Commission

Attest: _____
~~Mark Splonskowski~~~~Lee Vetter~~
Burleigh County Auditor/Treasurer

CITY OF BISMARCK

Dated this ____ day of _____, 20__

Michael T. Schmitz, President
Board of Bismarck City Commissioners
City of Bismarck

Renae A. Moch, Director
Bismarck-Burleigh Public Health

Attest: _____
Keith J. Hunke, Administrator
City of Bismarck